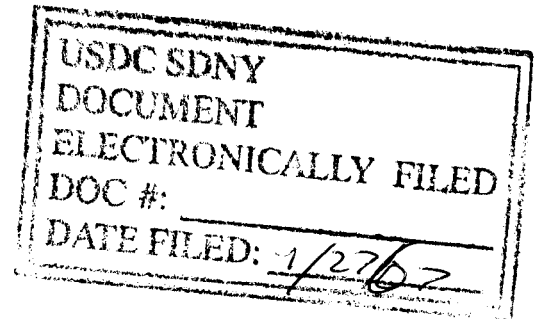


MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
Tel. (212) 637-2218



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

Plaintiff,

v.

\$9,517.53 IN UNITED STATES
CURRENCY, AND

\$55,250.00 IN UNITED STATES
CURRENCY,

Defendants-in-rem.
-----X

STIPULATION AND ORDER
OF SETTLEMENT

07 Civ. 3733 (WHP)

WHEREAS, on or about November 20, 2006, police officers from the Town of New Windsor Police Department ("NWPD") seized \$9,517.53 in United States currency ("DEFENDANT CURRENCY-1") from the residence of Brennan N. Gasparini ("Gasparini"), located at 71 Barclay Plaza, Apt. 7, New Windsor, New York;

WHEREAS, on or about November 21, 2006, police officers from the NWPD seized \$55,250.00 in United States currency ("DEFENDANT CURRENCY-2") from a storage bin held in Gasparini's name;

WHEREAS, the Drug Enforcement Administration ("DEA") subsequently initiated administrative forfeiture proceedings

against DEFENDANT CURRENCY-1 and DEFENDANT CURRENCY-2 (together, the "DEFENDANT CURRENCIES") by serving notice of the actions and advertising the seizures;

WHEREAS, Brennan N. Gasparini (the "Claimant") thereafter filed a claim with the DEA opposing forfeiture;

WHEREAS, in light of the administrative claim, the United States of America commenced this action, on or about May 11, 2007, by filing a verified complaint, pursuant to 21 U.S.C. § 881(a)(6), seeking forfeiture of the DEFENDANT CURRENCIES, on the ground that the DEFENDANT CURRENCIES constitute moneys furnished or intended to be furnished for a controlled substance, proceeds traceable to such an exchange, and/or moneys used or intended to be used to facilitate such an exchange;

WHEREAS, the Claimant is the only person known by the Government to have an interest in the DEFENDANT CURRENCIES, and no other parties have filed a claim in this action;

WHEREAS, the Claimant, admitting no wrongdoing in connection herewith, has agreed to settle this manner;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Michael J. Garcia, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Anna E. Arreola, and Brennan N. Gasparini, Claimant, by and through his attorney Edward J. Carroll, Esq., that:

1. The United States Marshals Service shall issue a check in the amount of \$12,953.51, and made payable to the Claimant, Brennan N. Gasparini, and Edward J. Carroll, Esq., and mailed to his attorney, Edward J. Carroll, Esq. at 2733 Route 209, Kingston, New York 12401.

2. Claimant shall withdraw his claim to the remainder of the DEFENDANT CURRENCIES, consisting of \$51,814.02 in United States currency, and that sum shall be and hereby is forfeited to the United States.

3. Claimant is hereby barred from asserting, or assisting others in asserting, any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the U.S. Attorney's Office for the Southern District of New York ("SDNY-USAO"), the United States Marshals Service ("USMS"), the DEA, the New Windsor Town Police Department ("NYPD"), the Orange County District Attorney's Office ("Orange County DA's Office"), or any agents and employees of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NYPD, or the Orange County DA's Office, in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT CURRENCIES, including, but not limited to, any claim that there was no probable cause to seize and/or forfeit the DEFENDANT CURRENCIES, that the Claimant is a prevailing party, or that the Claimant is entitled to attorney's fees or any award of interest.

4. Claimant represents that he is the sole owner of the DEFENDANT CURRENCIES and agrees to hold harmless the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NRPD, the Orange County DA's Office, as well as any and all employees, officers, and agents of the USA, the DOJ, the SDNY-USAO, the USMS, the DEA, the NRPD, and the Orange County DA's Office, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the DEFENDANT CURRENCIES, including but not limited to any third-party claims of ownership of the DEFENDANT CURRENCIES.

5. Claimant hereby agrees to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

6. This Stipulation and Order shall in no way be deemed an admission of culpability, liability, or guilt on behalf of the Claimant, Plaintiff or any of their respective agents, officers or employees, past and present. Further, this Stipulation and Order shall in no way constitute any reflection upon the merits of the claim and defenses asserted respectively by the Plaintiff and the Claimant.

7. Each party shall bear its own costs and attorney fees.

Agreed and consented to:

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By:

Anna E. Arreola
ANNA E. ARREOLA
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2218

8-7-07

DATE

BRENNAN N. GASPARINI
Claimant

By:

Edward J. Carroll
EDWARD J. CARROLL, ESQ.
ATTORNEY FOR BRENNAN N. GASPARINI
2733 Route 209
Kingston, New York 12401

8-3-07

DATE

SO ORDERED:

William H. Pauley
THE HONORABLE WILLIAM H. PAULEY
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

7/26/07